

NOTICE OF VIOLATION

29019

ODNR

OHIO DEPARTMENT
OF
NATURAL
RESOURCES

DIVISION OF MINERAL
RESOURCES MANAGEMENT
2050 EAST WHEELING AVE.
CAMBRIDGE, OH, 43725

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-1159
ADDRESS: 43521 MAYHUGH ROAD DISCOVERY DATE: 3-15, 2010
BEALLSVILLE, OHIO 43716

APPLICABLE STATUTE AND/OR RULE:

O.R.C. 1513.02(D)(2).
O.A.C. 1501:13-9-04

DESCRIPTION OF VIOLATION:

OPERATOR HAS FAILED TO MAINTAIN THE
S.A.D.E. AREA.

(A) REMEDIAL ACTION & ABATEMENT TIME:

REPAIR THE EROSION AND INSTALL AND MAINTAIN
A SILT FENCE TO CONTROL ALL THE SEDIMENT.
TIME: 5:00 a.m. ☐ / p.m. ☒ DATE: 4-30, 2010

(B) REMEDIAL ACTION & ABATEMENT TIME:

TIME: _____ a.m. ☐ / p.m. ☐ DATE: _____, 20____

SERVED TO: C. J. Anderson BY: J. P. Pugh TIME: 5:50 a.m. ☐ / p.m. ☒ DATE: 3-31, 2010
Authorized Representative

EXTENDED TO: 5:00 a.m. ☐ / p.m. ☐ 6-4, 2010 EXTENDED TO: _____ a.m. ☐ / p.m. ☐ _____, 20____

Served to: C. J. Anderson Date: 4-28-10 Served to: _____ Date: _____

By: J. P. Pugh Date: 4-28-10 By: _____ Date: _____

EXTENDED TO: _____ a.m. ☐ / p.m. ☐ _____, 20____ EXTENDED TO: _____ a.m. ☐ / p.m. ☐ _____, 20____

Served to: _____ Date: _____ Served to: _____ Date: _____

By: _____ Date: _____ By: _____ Date: _____

MODIFIED: _____, 20____ To: _____ By: _____

NON-COMPLIANCE: _____ a.m. ☐ / p.m. ☐ _____, 20____ To: _____ By: _____

Cessation Order Issued? ☐ yes ☐ no If no, explain

VACATED: _____, 20____ To: _____ By: _____

TERMINATED: 1:47 a.m. ☐ / p.m. ☒ 6-7, 2010 To: C. J. Anderson By: J. P. Pugh

CIVIL PENALTY ASSESSMENTS

This Notice of Violation may result in a *civil penalty assessment of up to \$5,000.00 per day*. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.

FAILURE TO COMPLY

Failure to comply with *any* remedial action required by this Notice of Violation, within the prescribed abatement time, may result in *CESSATION OF MINING* and a civil penalty assessment of at least *\$750.00 PER DAY*, for each day the violation continues.

INSTRUCTIONS FOR FILING YOUR NOTICE OF APPEAL

To initiate an appeal to the Reclamation Commission, you must have an interest which is, or may be, adversely affected by a decision of the Division Chief. You may appeal the Chief's decision by filing a notice of appeal with the Reclamation Commission.

At a minimum, your notice of appeal to the Reclamation Commission must:

- Be filed within 30 days of your receipt of the Chief's decision;*
- Include a statement of the grounds upon which your appeal is based;*
- Have attached to it a copy of the Chief's decision being appealed; and*
- If the appeal is from a civil penalty, include a check in the amount of the penalty.*

Your notice of appeal may include a request that the Commission members view the site in question. Temporary Relief may also be requested; this will allow for an expedited hearing in some cases.

Your notice of appeal must be directed to the Reclamation Commission at the following address:

*Reclamation Commission
2045 Morse Rd.
Building F-2
Columbus, OH 43229-6693*

Also, a copy of your notice of appeal, including the attached copy of the Chief's decision, must be sent to the Division Chief within three (3) days after filing the notice of appeal with the Commission at:

*Chief, Division of Mineral Resources Management
2045 Morse Rd.
Building H-3
Columbus, OH 43229-6693*

FAILURE TO COMPLY WITH ANY OF THESE REQUIREMENTS WILL RESULT IN A DISMISSAL OF YOUR APPEAL WITHOUT A HEARING.